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PATENT TRADEMARK OFFICE

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**TRANSMITTAL
FORM***(to be used for all correspondence after initial
filing)*

Application Number 09/700,329

Filing Date February 28, 2001

First Named Inventor P. Gevas, et al.

Group Art Unit 1631

Examiner Name M. Borin

Total Number of Pages in this
Submission

24

Attorney Docket Number ACG2AUSA

ENCLOSURES (check all that apply)☐ Fee Transmittal Form☐ Fee Attached☒ Amendment/Reply☐ After Final☐ Affidavits/declaration(s)☐ Extension of Time Request☐ Express Abandonment Request☐ Information Disclosure Statement☐ Certified Copy of Priority
Document(s)☐ Response to Missing
Parts/Incomplete Application☐ Response to Missing Parts under 37
CFR 1.52 or 1.53☐ Assignment Papers (for an Application)☐ Drawing(s)☐ Licensing-related Papers☐ Petition☐ Petition to Convert to a Provisional
Application☐ Power of Attorney, Revocation
Change of Correspondence Address☐ Terminal Disclaimer☐ Request for Refund☐ After Allowance Communication to Group☐ Appeal Communication to Board of Appeals and
Interferences☐ Appeal Communication to Group (Appeal Notice,
Brief, Reply Brief)☐ Proprietary Information☐ Status Letter☒ Other Enclosure(s) (please identify below):

. Response to Notice to Comply with
Requirements For Patent Applications
Containing Nucleotide Sequence and/or
Amino Acid Sequence Disclosure.
. Statement To Support Filing and
Submission In Accordance with
37CFR§1.821 Through §1.825

Remarks:

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SIGNATURE OF APPLICANT, ATTORNEY, OR AGENTFirm or
Individual NameMary E. Bak, Esquire
HOWSON AND HOWSON

Signature

Mary E. Bak

Date

April 25, 2002

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CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, Washington, DC 20231 on this date:

Typed or printed name

Signature

Date

Burden of Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231



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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of

) Group Art Unit: 1631

P. Gevas et al.

) Examiner: M. Borin

Appln. No. 09/700,329

Filed: February 28, 2001

For: PREVENTION AND TREATMENT OF
HYPERGASTRINEMIA

) April 25, 2002

BOX SEQUENCE

Assistant Commissioner for Patents

Washington, DC 20231

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TECH CENTER 1600/2900
02 APR 25 PM 2:33**RESPONSE TO NOTICE TO COMPLY WITH REQUIREMENTS
FOR PATENT APPLICATIONS CONTAINING NUCLEOTIDE
SEQUENCE AND/OR AMINO ACID SEQUENCE DISCLOSURE**RECEIVED
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Sir:

In a "Notice to Comply with Requirements for Patent Applications Containing Nucleotide Sequence and/or Amino Acid Sequence Disclosures", dated March 28, 2002, Applicant was informed that the above-identified application failed to comply with the requirements of 37 CFR § 1.821-1.825. Specifically, Applicant was informed that:

- (i) The application does not contain, as a separate part of the disclosure on paper copy, a "Sequence Listing" as required by 37 CFR § 1.821(c);
- (ii) A copy of the "Sequence Listing" in computer readable form has not been submitted as required by 37 CFR § 1.821(e). A paper copy is in the file but is not in accordance with new Sequence Listing Rules; and
- (iii) Applicant is also requested to provide SEQ ID numbers for peptide sequences in the specification and claims.

In response to that Notice, Applicant asserts that pursuant to 37 CFR § 1.821-1.825, a paper copy of the "Sequence Listing", a computer readable form (CRF) of the "Sequence Listing", a Statement to Support Filing and Submission, and an Amendment inserting the Sequence ID numbers were originally filed with the application. As support, Applicant encloses herewith as Exhibits A-C, a copy of the stamped postcard indicating receipt by the US Patent and Trademark Office of the above-noted items, the originally filed paper copy of the "Sequence Listing", and the Preliminary Amendment inserting the sequence ID numbers into the originally filed application. Further, Applicant asserts that the paper copy filed with the application and enclosed herewith as Exhibit B did conform with the new Sequence Listing rules.

However, in an effort to expedite examination of this application and in response to the "Notice to Comply with Requirements for Patent Applications Containing Nucleotide Sequence and/or Amino Acid Sequence Disclosures" which was dated March 28, 2002, to which a response is due by April 28, 2002, enclosed herewith are:

- ☐ Amendment under 37 CFR § 1.825;
- ☒ Statement to Support Filing and Submission in accordance with 37 CFR §§ 1.821 through 1.825;
- ☐ Original pages of the Sequence Listing;
- ☒ Substitute copy of the pages of the Sequence Listing;
- ☐ Original computer readable form of the Sequence Listing;
- ☒ Substitute copy of the computer readable form of the Sequence Listing;
- ☒ Copy of Notice to Comply with Requirements for Patent Applications Containing Nucleotide Sequence and/or Amino Acid Sequence Disclosures;
- ☐ Petition for a _____ month Extension of Time to Reply;
- ☐ OTHER:

The Director is hereby authorized to charge any deficiency in any fees due with the filing of this paper or credit any overpayment in any fees to our Deposit Account Number 08-3040.

Respectfully submitted,

HOWSON AND HOWSON
Attorneys for the Applicant

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ACG2AUSA

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of

P. Gevas et al.

Appln. No. 09/700,329

Filed: February 28, 2001

For: PREVENTION AND TREATMENT OF
HYPERGASTRINEMIA

BOX SEQUENCE

Assistant Commissioner for Patents
Washington, DC 20231

) Group Art Unit: 1631

)

) Examiner: M. Borin

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) April 25, 2002

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STATEMENT TO SUPPORT FILING AND SUBMISSION
IN ACCORDANCE WITH 37 CFR §1.821 THROUGH §1.827

- (X) I hereby state, in accordance with the requirements of 37 CFR §1.821(f) and to the best of my knowledge and belief that the Sequence Listing information recorded in computer readable form is identical to the written (on paper or compact disc) Sequence Listing, submitted pursuant to 37 CFR §1.821(c) and (e), respectively.
- (X) I hereby state that to the best of my knowledge and belief the submission filed in accordance with the requirements of 37 CFR §1.821(g), does not include new matter.
- () I hereby state that to the best of my knowledge and belief the submission filed in accordance with the requirements of 37 CFR §1.821(h) does not include new matter or go beyond the disclosure of the international application as filed.
- () I hereby state that to the best of my knowledge and belief the amendments, made in accordance with 37 CFR §1.825(a), included in the substitute sheet(s) of the Sequence Listing do not include new matter. These amendments were made to conform with the current Sequence Listing Rules and to correct a typographical error in the Sequence Listing.

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- () I hereby state that to the best of my knowledge and belief the substitute copy of the computer readable form, submitted in accordance with **37 CFR §1.825(b)**, is the same as the amended Sequence Listing.
- () I hereby state that to the best of my knowledge and belief the substitute copy of the computer readable form, submitted in accordance with **37 CFR §1.825(d)**, contains identical data to that originally filed.

Respectfully submitted,

HOWSON AND HOWSON
Attorneys for the Applicant

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